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Llorin.
PATENT
P-4278 6/17/99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Oscar J. Llorin et al.

SERIAL NO.: 09/128,340 GROUP: 1651

FILING DATE: August 3, 1998 EXAMINER: D. Ware

FOR: CELL DISRUPTION METHOD USING SONICATION

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, D.C. 20231

ON: June 8, 1999
(DATE OF DEPOSIT)

BY: Mary Lou Kittren
(NAME)

Mary Lou Kittren 6-8-99
(SIGNATURE) (DATE)

RESPONSE PURSUANT TO 37 C.F.R. §1.111

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action mailed on March 30, 1999 (Paper No. 7), please consider the following remarks.

Remarks

Paper No. 7 presented a rejection of claims 1 and 3-13 under 35 U.S.C. §103(a) as being unpatentable over newly cited Buck et al. It was asserted that "[e]ach of the process steps...are taught, or at least suggested, in the newly cited reference."

However, it is respectfully submitted that Buck et al. neither teaches nor suggests the "placing into said liquid a vessel comprising cells in a second liquid at an alkaline pH" (emphasis added) as set forth in claim 1. The second liquid of Buck et al. is residual water from previous wash steps (see the paragraph bridging pages 1331 and 1332).

Furthermore, the Applicants teach that alkalinization of the second liquid enhances the claimed method (see page 7, lines 4-10 and Example 2 of the present application). Buck et al. provide no suggestion of any enhancement, such as that reported in Example 2, from the alkalinization of the second liquid.